

ASSEMBLY BILL

No. 1913

Introduced by Assembly Member Skinner

February 22, 2012

An act to add Section 3455.01 to the Penal Code, relating to postrelease community supervision.

LEGISLATIVE COUNSEL'S DIGEST

AB 1913, as introduced, Skinner. Postrelease community supervision: revocation: release on bail.

Existing law requires that persons released from prison after serving a prison term for a felony, with exceptions, be released into postrelease community supervision for a period not exceeding 3 years. Existing law provides for immediate, structured, and intermediate sanctions to punish violations of an offender's conditions of postrelease supervision. Existing law allows the revocation of postrelease supervision by a revocation hearing officer appointed by the court upon a finding that the person has violated the conditions of postrelease supervision.

This bill would allow a person on postrelease supervision who has a revocation petition filed against him or her to file an application for bail with the superior court. The bill would provide that bail pending revocation of postrelease community supervision is a matter within the sole discretion of the court. The bill would provide criteria for the court to follow in determining whether to grant bail, and would require that public safety and the safety of the victim be the primary considerations of the court. The bill would require the court to include a brief statement of reasons in support of an application for bail or denying an application for bail. The bill would further require the county agency responsible for filing the revocation petition to promptly notify the district attorney

and any victim of an application for bail filed by a defendant. By imposing additional duties on a local public agency, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3455.01 is added to the Penal Code, to
2 read:
3 3455.01. (a) A person subject to postrelease community
4 supervision who has had a revocation petition filed against him or
5 her by the county agency responsible for postrelease community
6 supervision pursuant to subdivision (a) of Section 3455 may file
7 an application for bail with the superior court.
8 (b) Admittance to bail pending revocation of postrelease
9 community supervision is a matter within the sole discretion of
10 the court.
11 (c) (1) Notwithstanding any other provision of law, when
12 considering an application for bail under this section, the court
13 shall take into consideration the following criteria:
14 (A) The nature of the charges constituting the basis for the
15 revocation petition.
16 (B) The seriousness of any pending criminal charges, including
17 any alleged use of a firearm or other deadly weapon.
18 (C) The nature of the offense the person was placed on
19 postrelease community supervision for.
20 (D) The previous criminal history of the defendant.
21 (E) The safety of the public and of any victim or witness and
22 the victim's or witness' family.
23 (F) Efforts by the applicant toward rehabilitation.
24 (G) The probability the applicant will appear at the revocation
25 hearing.

1 (H) The ties of the applicant to the community, including his
2 or her employment, the duration of his or her residence, the
3 applicant's family attachments, and his or her property holdings.

4 (I) The applicant's record of appearance at past court hearings
5 or of flight to avoid prosecution.

6 (2) Public safety and the safety of the victim shall be the primary
7 considerations of the court when deciding whether or not to grant
8 an application for bail pursuant to this section.

9 (d) In making its decision on whether to grant an application
10 for bail under this section, the court shall include a brief statement
11 of the reasons in support of an application for bail or denying the
12 application for bail. The statement need only include the basis for
13 the order with sufficient specificity to permit meaningful review.

14 (e) The county agency responsible for filing the revocation
15 petition shall promptly notify the district attorney of the county
16 and any victim of an application for bail filed pursuant to this
17 section.

18 (f) Any amount of bail set pursuant to an application under this
19 section shall be in addition to any other bail amount ordered for
20 any additional pending criminal charges.

21 SEC. 2. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.